

2007 DRAFTING REQUEST

Assembly Amendment (AA-AB224)

Received: **05/07/2007**

Received By: **gmalaise**

Wanted: **Today**

Identical to LRB:

For: **Donald Pridemore (608) 267-2367**

By/Representing: **Waylon Hurlburt**

This file may be shown to any legislator: **NO**

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Employ Priv - miscellaneous
Health - miscellaneous
Occupational Reg. - misc**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Pridemore@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Health care worker immunity from liability; disclosure of patient health care records

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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FE Sent For:

<END>

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FE Sent For:

<END>

Malaise, Gordon

From: Hurlburt, Waylon
Sent: Monday, May 07, 2007 12:00 PM
To: Malaise, Gordon
Subject: Amendment to Assembly Bill 224

Attachments: AB 224- Suggested Ammendment.doc



AB 224- Suggested
Ammendment.d...

Hello Gordon,

We were looking to add the language of §146.997 (5m) (a) 4 that is at the bottom of the attachment. Call with any questions. The hearing is Wednesday morning and is why we need such a quick turnaround. Thanks for all the help.

Waylon Hurlburt
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Madison, WI 53708-8953
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Jim Doyle
Governor

**WISCONSIN DEPARTMENT OF
REGULATION & LICENSING**

Celia M. Jackson
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TO: Representative Don Pridemore

FROM: Larry J. Martin, Executive Assistant
Michael Berndt, Division of Enforcement
Dennis Schuh, Office of Legal Counsel

RE: Consideration of an Amendment to AB 224

DATE: May 4, 2007

Thank you for giving us an opportunity to meet with you on Monday, May 7th regarding consideration of an Amendment to Assembly Bill 224. The Department of Regulation and Licensing (DRL) is interested in exploring with you additional language in the bill that would address a concern that has existed in our Division of Enforcement (DOE) for some time over patient identifying information and the current inability for complainants to share this information with our Department.

The provisions of §146.997 (5m) (1) allow the disclosure of some information but does not authorize the disclosure of health care provider/patient privileged information. Such information includes the identity of the patient and the specific disorder being treated. The net effect for DOE/DRL is that we receive complaints that inform us that a credential holder is engaging in unethical behavior or conduct below professional standards of care but we cannot receive the identity of the patient without the patient's consent. The DOE/DRL can obtain records from the credential holder, even without the consent of the patient under § 146.82(2), but we frequently have difficulty identifying the one patient in which the complaint is about.

A simple amendment to AB 224 would address this issue. Here is a rough draft of a suggested amendment:

§146.997 (5m) (a) 4.

Reports to an agency that has authority to investigate and take action against health care providers or health care facilities for the type of conduct complained of, consisting of any information including healthcare provider/patient privileged information and records otherwise covered by §146.82(1), relating to an allegation that another healthcare provider, healthcare facility, or employee of a health care provider or health care facility has committed a violation specified in sub (2) (a) 1. or 2., has engaged in unprofessional conduct or has acted negligently in treating a patient. The recipient of any information under this paragraph shall keep the information confidential and may not disclose identifying information or other records covered by §146.82(1) about the patient whose identity or records are released.

We greatly appreciate your willingness to take time to consider our request and look forward to our meeting with you and your staff on Monday!



State of Wisconsin
2007- 2008 LEGISLATURE

LRBa0465/7

GMM

Today!
5/7

jld

ASSEMBLY AMENDMENT ,
TO 2007 ASSEMBLY BILL 224

1 At the locations indicated, amend the bill as follows:

2 1. Page 3, line 13: after "patient." insert "Notwithstanding s. 146.82 (1), a
3 health care provider, health care facility, or employee of a health care provider or
4 health care facility reporting as described in this subdivision to an agency specified
5 in sub. (2) (a) (intro.) that has the authority to investigate and take action against
6 a health care provider, health care facility, or employee of a health care provider or
7 health care facility for the type of conduct reported may disclose to that agency
8 patient health care records, as defined in s. 146.81 (4), that are relevant to the alleged
9 violation, unprofessional conduct, or negligent act reported. Unless authorized by
10 a court of record, an agency receiving information from ^{those} patient health care records
11 shall keep the information confidential and may not disclose identifying information
12 about ^{the} a patient whose patient health care records are disclosed."

(END)